

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

937 ANTICIPATORY BAIL APPLICATION NO.1234 OF 2023

SHAIKH AZIZ SHAIKH MEHBOOB
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. G.R. Syed
APP for Respondent – State : Mr. S.P. Sonpawale

...

AND

ANTICIPATORY BAIL APPLICATION NO.1083 OF 2023

SHAIKH UMAR SHAIKH RASHEED
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Dhananjay M. Shinde
APP for Respondent – State : Mr. S.P. Sonpawale

...

CORAM : R. M. JOSHI, J.

DATE : JULY 26, 2023

PER COURT :

. Applicants are apprehending arrest in connection with Crime No.100 of 2023 registered with Himayatnagar Police Station, Tal. Himayatnagar, Dist. Nanded for the offences punishable under Sections 353, 109, 323, 143, 147, 149 of the Indian Penal Code and Section 135 of the Maharashtra Police Act.

2. As far as applicant in Anticipatory Bail Application No.1083 of 2023 is concerned, the role alleged against this applicant is similar to accused to whom anticipatory bail has already been granted by this Court.

3. Learned APP though opposed application, does not dispute the said fact.

4. In view of above, this application is allowed in terms of interim relief dated 06.07.2023.

5. As far as applicant in Anticipatory Bail Application No.1234 of 2023 is concerned, allegation against him is that he instigated the other accused persons to throw stones and bricks.

6. Learned counsel for applicant states that there is not a single statement recorded of any witness who states about instigation being done by present applicant which has resulted into occurrence of incident.

7. Learned APP submits that statements of witnesses indicate that incident has occurred on account of instigation only. However, he is unable to point out that present applicant has been

named by any of witnesses to be the instigator. In view of these facts, except for statement of informant in FIR about instigation caused by present applicant to co-accused does not get support from any other material on record. Nothing is to be recovered at his instance. Co-accused are already enlarged on bail. Hence, application (bearing No.1234 of 2023) is allowed in terms of interim relief dated 06.07.2023 in Anticipatory Bail Application No.1083 of 2023.

[R. M. JOSHI]
JUDGE

GGP